

**APPROVED
APRIL 20, 2010**



**APPROVED MINUTES
CITY OF SCOTTSDALE
CHARTER REVIEW TASK FORCE**

MONDAY, APRIL 5, 2010

**CITY HALL KIVA
3939 N. DRINKWATER BOULEVARD
SCOTTSDALE, ARIZONA 85351**

PRESENT: Steven J. Twist, Chair
Susan Bitter Smith
Jim Derouin
Cindi Eberhardt
Lisa Johnson Stone
Alan Kaufman
Charlie Smith

STAFF: Carolyn Jagger, City Clerk
Sherry Scott, Deputy City Attorney
David Smith, Interim City Treasurer
Brent Stockwell, Senior Advisor

Call to Order/Roll Call

Chairman Twist called the Charter Review Task Force regular meeting to order at 5:04 p.m. Roll call confirmed the presence of all Task Force members as noted.

1. Approval of Minutes from the March 15, 2010 Meeting

MOTION AND VOTE

LISA JOHNSON STONE MOVED APPROVAL OF THE MINUTES OF THE MARCH 15, 2010 MEETING. CINDI EBERHARDT SECONDED THE MOTION, WHICH CARRIED BY A UNANIMOUS VOTE OF SEVEN (7) TO ZERO (0).

2. Public Comment

No members of the public wished to address the Task Force.

3. Discussion and possible action on recommendations to the City Council regarding amendments to the Scottsdale City Charter, including, but not limited to considering additional changes to the following sections:

a. Article 1, Section 3, Subsection O relating to waivers of claims for diminution of value

Commenting that the Task Force has had some issues with the word "duress," Alan Kaufman proposed eliminating it, and adding a section at the end discussing written agreement. He proposed the wording, "The City shall not require any property owner to waive any constitutional or statutory right to make a claim for diminution in fair market value of the owner's property, but such a waiver may be freely, knowingly and voluntarily made by written agreement with the City." He said that the Charter is like a bill of rights. The purpose of the Charter is to restrict the power of the City, especially when State law provides for that restriction, as it does in the Prop 207 area.

Jim Derouin said he wanted to respond to a comment Charlie Smith made at the last meeting. They wanted to ensure that it is clear that the City retains its right to say no if somebody does not grant a waiver. Historically Mr. Kaufman's point is that when Prop 207 was passed the City said it provides for an agreement between the parties, therefore as part of the application the agreement was attached. That was overstepping the meaning of the statute. City policy has changed but they must ensure that the City does not revert to that position. Jim Derouin said he was satisfied with Alan Kaufman's statement of the proposition. It is a restatement of the law in one sentence.

ALAN KAUFMAN MOVED THAT THE TASK FORCE RECOMMEND TO THE CITY COUNCIL THAT ARTICLE 1, SECTION 3, BE AMENDED TO ADD A NEW SUBSECTION O WHICH STATES: "THE CITY SHALL NOT REQUIRE ANY PROPERTY OWNER TO WAIVE ANY CONSTITUTIONAL OR STATUTORY RIGHT TO MAKE A CLAIM FOR DIMINUTION IN FAIR MARKET VALUE OF THE OWNER'S PROPERTY, BUT SUCH A WAIVER MAY BE FREELY, KNOWINGLY AND VOLUNTARILY MADE BY WRITTEN AGREEMENT WITH THE CITY." SUSAN BITTER SMITH SECONDED THE MOTION.

Chairman Twist asked Alan Kaufman if the word "duress" is unnecessary because of the language "freely, knowingly, and voluntarily." Mr. Kaufman confirmed that is his thinking. Chairman Twist argued that coercion might be used which would not amount to a requirement, yet would be a form of duress. However the phrase "freely, knowingly, and voluntarily," resolves that problem. Mr. Kaufman said that although the policy has changed, he wanted to ensure that this would not happen again in the future. Prop 207 states "Whenever state and local governments take or diminish the value of private property, it is the intent of this Act that the owner will receive just compensation either by negotiation or by an efficient and fair judicial process."

Ms. Sherry Scott said this is a policy decision for the Task Force.

Charlie Smith asked her if the motion is identical to the intent of Prop 207. Ms. Scott said Prop 207 specifically allows a landowner to enter into an agreement with the City and to waive any diminution in value claim, so that the City need not fear being sued if the owner later regrets his decision. The Charter amendment would continue to allow that. Her only legal concern is whether citizens will understand that the City is not requiring the waiver. Prop 207 does not use

the word "require." She believed that the City would still be able to say to an Applicant they would likely not grant his application without a waiver.

Charlie Smith commented that he appreciated Jim Derouin's work on this. He shared Ms. Scott's concern for applicants, and said he had no problem with Alan Kaufman's motion.

Alan Kaufman said he has practiced zoning law in Scottsdale for almost 20 years, representing only citizen's groups. He has never had a case where City staff did not tell him in advance what stipulations they wanted. His motion is to clarify Prop 207 and ensure that agreements are in written form.

THE MOTION PASSED BY A UNANIMOUS VOTE OF SEVEN (7) TO ZERO (0).

b. Review of other recommendations

Chairman Twist reminded Task Force members that at the last meeting they discussed putting the proposals they have decided on to date into tiers to propose some organization of their ideas to City Council. Staff has compiled Tiers A through D. Chairman Twist thanked staff for their work. He asked Task Force members to consider if the groupings are ordered logically and whether anything should be moved. Also there may be items that they need to revisit. He suggested working systematically through each tier.

Charlie Smith inquired how many ballot questions there would be if the proposals were presented in their present form. Chairman Twist counted 22 and added that the tiers are ranked by significance.

Jim Derouin asked Ms. Carolyn Jagger if there would be any limit to the number or amount of space for ballot questions in the fall election. She responded that there is no limit; however the more questions there are on the ballot, the more space they will take. The November elections are state-wide and will have many other questions. The County has already advised the City that they may have to use taglines summarizing the various ballot questions; the voter then must refer to separate materials in depth for full information. Mr. Derouin asked her if the actual Charter language will have to appear on the ballot. She replied that the language from the Charter will not appear on the ballot. The language would go in the ordinance presenting these ballot questions to the public, and would appear in the pamphlet along with the ballot questions. Mr. Derouin asked her for a sample tagline. Ms. Jagger said it could be very short. Voters would receive the full question with the descriptive language and the explanation of the effect of a yes or no vote, in a separate document.

Chairman Twist summarized that the items in Tier A deal in significant ways with the authority of the City and its relationship with its citizens. He noted that organizing the proposals into tiers would help City Council evaluate the work of the Task Force.

Susan Bitter Smith said staff have done a good job of organizing the tiers, which will give Council an opportunity to make decisions about how much content can be added to the ballot. In her opinion, everything in Tier A is of equal importance. She does not want to rank those items.

With regard to item A-3, Cindi Eberhardt asked that the Task Force consider not amending the Charter at this time with regard to subsidies in light of the Turken decision. Charlie Smith said he wants City Council to understand clearly what the will of the Task Force was. There are

some items in Tier A to which he is adamantly opposed and he would like that to be memorialized. Chairman Twist said the Task Force could approve the Tier A recommendations and go on the record stating which questions they dissented from, and why. Equally, Task Force members could state why they support certain recommendations. He said they would discuss all the tiers before voting.

Turning to Tier B, Chairman Twist had a comment about Article 4 Section 1. "Council shall provide the number, titles, qualifications, powers, duties, and compensation of all officers and employees of the City." The Task Force has stricken "Officers of the City shall become residents of the City." That provision is covered in Article 3 Section 1. The last sentence of Article 4 Section 1 says "The City Council may by ordinance provide residency requirement for all other City employees." He pointed out that the word "other" only makes sense with the preceding sentence, which has now been stricken.

Charlie Smith said the Task Force had reorganized Articles 3 and 4. He asked what Article 4 would be like if all the proposals are passed. Chairman Twist agreed that it would only be a couple of sentences long. Charlie Smith said he worked with staff to create a separate question relating to the City Manager and the City Treasurer. One of the difficulties is that everything is now in the new Article 3. The preamble on page 6 talks about all the officers of the City. After that it becomes more specific. However staff were concerned that if there were two questions and one were to fail, chaos would ensue. He feels it is important that voters get to answer the question about the powers of the City Manager and the City Treasurer. He would prefer that Charter Officers not necessarily be required to be Scottsdale residents, at the discretion of City Council.

JIM DEROUIN MOVED THAT THE TASK FORCE RECOMMEND TO THE CITY COUNCIL THAT THE CITY CHARTER BE AMENDED TO ADD TO THE LAST SENTENCE OF THE THIRD PARAGRAPH OF ARTICLE 4, SECTION 1 "EXCEPT AS OTHERWISE PROVIDED IN ARTICLE 3, SECTION 1, THE CITY COUNCIL MAY BY ORDINANCE PROVIDE RESIDENCY REQUIREMENTS FOR ALL CITY EMPLOYEES," AND TO REMOVE THE WORD "OTHER." SUSAN BITTER SMITH SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY BY A VOTE OF SEVEN (7) TO ZERO (0).

Chairman Twist noted that Charlie Smith's concerns relate to Tier B, items 1 through 4. Charlie Smith confirmed that he has no concern with the financial provisions in Tier D. He reiterated that he would like to see the revised Article 4. In response to a question from Susan Bitter Smith, he clarified that he would like one question dealing with the powers of the City Manager and the City Treasurer. Staff has told him it would be difficult. He has suggested having two preambles in Article 3, one for the City Manager and City Treasurer, the other for the remaining officers. This is an important question and the citizens deserve to vote on it.

Chairman Twist asked Ms. Jagger if Tier B items 1 through 4 could be a single ballot question. She said they could and offered to distribute the draft question to the Task Force later in the evening. Chairman Twist asked if this were done and the question failed, whether there are other provisions in the ballot that would be affected. Ms. Jagger said that question is not a problem. She elaborated to Cindi Eberhardt that if they make changes to these sections and then split up the questions, they would have to look again to see whether other ballot questions would be affected. Ms. Eberhardt asked her what the tagline might look like. Ms. Jagger said it might say something like "Amending the Scottsdale City Charter as it relates to the Charter Officers."

Jim Derouin told the meeting that although he had suggested broadening the rights of Charter Officers to a hearing, now he is not so sure. This would impinge on the right of Council to make determinations with respect to employment. He suggested the Task Force should review this recommendation.

Charlie Smith asked whether anyone will ensure that no two ballot items have identical proposition numbers, given the scope of the November elections. Ms. Jagger assured him that staff work with the County to make sure this does not happen. However, Scottsdale might have a proposition number that was the same as a proposition in another city. They try to avoid that.

Mr. Brent Stockwell displayed Article 4 as it would read if all proposed amendments are approved.

Referring to the questions in Tier B, Chairman Twist noted that the provisions relating to the appointment of officers "The Officers of the City, who collectively shall be responsible to manage the affairs of the City, report directly to the Council, serve at the pleasure of the Council, and have the powers and perform the duties." The phrase "serve at the pleasure of the Council" reinforces Jim Derouin's point about removal hearings. Susan Bitter Smith recalled the earlier discussion of the Task Force. She noted that the provision may be redundant, given that State law provides employees the opportunity for an open meeting about their termination.

JIM DEROUIN MOVED THAT THE FOLLOWING LANGUAGE IN ARTICLE 3, SECTION 1 BE DELETED AND NOT RECOMMENDED BY THE TASK FORCE: "ANY OFFICER OF THE CITY MAY WITHIN TEN (10) DAYS FROM THE DATE OF A VOTE OF REMOVAL, REQUEST A PUBLIC HEARING TO BE HELD NOT LATER THAN THIRTY (30) DAYS THEREAFTER." ALAN KAUFMAN SECONDED.

Chairman Twist opined that this provision is redundant. Cindi Eberhardt noted that a public hearing provision is currently in the Charter. Chairman Twist stated his understanding that a Charter Officer can be terminated in executive session of Council, but the Officer has the right to request that the Council not go into executive session to discuss his or her case. If it is done in a public meeting, any member of the public may speak. Sherry Scott confirmed that this is the case; if Council goes into executive session the Officer in question does not have the automatic right to attend. A public hearing implies that the Officer would have the right to address the meeting. Under the Open Meeting law, he or she has the right to listen to a public discussion, but does not necessarily have the right to speak. However they could fill out a card to speak at the meeting.

Jim Derouin said currently only the City Manager has the right to request a hearing.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO TWO (2). CINDI EBERHARDT AND CHARLIE SMITH DISSENTED.

Turning to Tier B Item 5, Charlie Smith queried why they had to memorialize exercising administrative supervision over the City Court. Jim Derouin asked Ms. Scott if there is any question about this. Ms. Scott said that the Presiding Judge would likely say it is good to have this clarified in the City Charter. Chairman Twist asked Charlie Smith whether he wanted to strike the amendments to Section 1. Charlie Smith said he would not change the Charter at all as it relates to the City Court. Chairman Twist asked him about the issue of judicial appointment terms. Charlie Smith concurred that that change should stay in the recommendations.

CHARLIE SMITH MOVED THAT THE FOLLOWING PROPOSED LANGUAGE IN ARTICLE 11, SECTIONS 1 AND 2 BE DELETED AND NOT RECOMMENDED BY THE TASK FORCE: ", AS A SEPARATE JUDICIAL BRANCH OF CITY GOVERNMENT" AND "SHALL EXERCISE ADMINISTRATIVE SUPERVISION OVER THE CITY COURT." CINDI EBERHARDT SECONDED THE MOTION, WHICH PASSED BY A UNANIMOUS VOTE OF SEVEN (7) TO ZERO (0).

Susan Bitter Smith asked Charlie Smith if his concern about the ballot question is now alleviated. He replied that when they see the revisions it will be easier to consider the question. It now makes sense to him to have one question about the role of the City Manager and City Treasurer. Chairman Twist directed staff to print off copies of the revisions for the Task Force members.

Interim City Treasurer David Smith addressed the Task Force on Item B 3. He urged them to reconsider this item, saying that the language addressing financial reporting would be more appropriate in the new Section 4 dealing with the duties and responsibilities of the City Treasurer. He encouraged them to consider adding language to the effect that the City Treasurer shall be responsible for providing timely financial reports to City Council. The language currently suggested is much more specific than the rest of the City Charter. Normally those details belong in the City Code. He appreciated the frustration of Councilmembers and members of the Task Force that led to this recommendation.

David Smith told the meeting that as Interim City Treasurer he will confront a practical problem at the end of the year. He will not be able to provide a financial report for the June 30 year end in 15 days. Throughout the year the City's books are kept on a cash basis and at year end staff convert to an accrual basis. Last year's financial reports were not available until October 15. With reduced staff levels it will be challenging to repeat that performance this year.

Charlie Smith supported David Smith's suggestion to consolidate the financial reporting duties in Section 4 with the City Treasurer's other duties and responsibilities. This will simplify the question on the ballot. Charlie Smith said that Item B 2, now Article 6 Section 3, should probably be in the new Article 3, Section 2 as a duty of the City Manager. David Smith said that the budget is the City Manager's responsibility and agreed that this move would make sense.

Alan Kaufman said that in the past, year-end financial reports took six to eight months to prepare, sometimes even longer, which is not satisfactory. Corporations have their year-end statements prepared within 15 to 30 days. Since monthly statements can be prepared within 15 days, he believes that they should be presented to City Council and the public in that time frame.

Charlie Smith agreed with Alan Kaufman that the word "timely" is too open to interpretation. He feels it is hard to micromanage in the Charter. Referring to The Brethren, Jim Derouin pointed out that in Brown vs. Board of Education, the phrase "with all deliberate speed" led to a delay of 15 years; that is the difficulty with the word "timely." He noted that 15 business days is in fact three weeks. He proposed allowing 15 business days after each month end and longer at year end.

Chairman Twist asked David Smith what would be a realistic deadline for year end. David Smith said for the past six months staff have been able to have month-end reports done in as little as 10 days. He questioned whether the Task Force wants this degree of granularity in the Charter. He pointed out that year-end reports are not entirely within City control because the

outside auditors have to review the books. Chairman Twist said the tension is between granularity and the vagueness of the word "timely." The Task Force spent considerable time discussing these issues. David Smith said that 15 days is fine for monthly financial reports. Perhaps the Council Audit Committee could agree on the time frame for the annual reports. He reiterated that normally the specific details are dealt with in the City Code. Chairman Twist said the specified reports were what the Task Force considered the bare minimum that ought to be made public.

ALAN KAUFMAN MOVED THAT THE FOLLOWING PROPOSED LANGUAGE BE ADDED TO ARTICLE 3, SECTION 4, "THE CITY TREASURER SHALL ISSUE MONTHLY PUBLIC FINANCIAL STATEMENTS TO THE COUNCIL WITHIN FIFTEEN (15) BUSINESS DAYS OF THE MONTH END, EXCEPT FOR REPORTS AT FISCAL YEAR END, WHICH SHALL BE PREPARED AS DIRECTED BY THE COUNCIL. THE MONTHLY FINANCIAL STATEMENTS SHALL INCLUDE, BUT NOT BE LIMITED TO, THE ACTUAL, BUDGETED, AND PRIOR YEAR COMPARISONS OF REVENUE AND EXPENDITURES OF EACH OFFICE, DIVISION AND DEPARTMENT, AND ANY ADDITIONAL INFORMATION REQUIRED BY ORDINANCE." CHARLIE SMITH SECONDED THE MOTION, WHICH PASSED BY A UNANIMOUS VOTE OF SEVEN (7) TO ZERO (0).

Brent Stockwell displayed proposed changes to the City Manager's budget duties and responsibilities. Chairman Twist asked staff what is the difference between the annual budget estimate and the annual probable expenditure. Mr. Stockwell said that last week staff presented to the Budget Review Commission the annual budget estimate, with a written submission of Council's recommendations for the next fiscal year with estimates of the City's probable expenditures, prepared jointly by the City Manager and the City Treasurer. He pointed out that State law also governs this. The Charter language under discussion puts additional requirements on City staff beyond what is currently provided by State law. Chairman Twist asked David Smith if they could strike the last paragraph. Mr. Stockwell said the key thing is requiring consultation with the City Treasurer. David Smith said that Item C charges the City Manager with preparing the annual budget estimates and in the appending paragraph he is again charged to prepare the City budget working collaboratively with the City Treasurer. There is some redundancy and possibly inconsistency between item C and the addendum.

Cindi Eberhardt said it could appear to voters as though something that is already in the Charter is being removed. Brent Stockwell summarized that there are two issues: the issue of duties, and the timing issue. The intent is for the City Manager to consult with all of the Charter Officers of the City in preparing the budget. The beginning of the section states that the Charter Officers are collectively responsible for the affairs of the City. Therefore it may not be necessary to make this clarification of "after consultation with the City Treasurer." Charlie Smith asked Mr. Stockwell where the recommended changes to Article 6 Section 3 came from. Mr. Stockwell recalled that the phrase came from suggestions made by Interim City Treasurer Smith.

Susan Bitter Smith cautioned that if the Charter is so specific about the City Manager and City Treasurer working together to prepare the budget, the other Charter Officers may be left out of the process. Either that language should be removed or the Charter should state "in consultation with all Charter Officers."

Charlie Smith said that references to timing responsibilities should be equal between the City Manager and the City Treasurer. Either both should be mentioned in the Charter or the City Treasurer's timing responsibilities should be placed elsewhere.

David Smith said that it was intended that Section C be clear that the City Manager is responsible for the administration of the budget after adoption. The appendage could talk about the timing and manner of its creation.

Chairman Twist suggested saying ``The City Manager, after consultation with each of the City Officers.'' That language could be put back into Article 6.

Carolyn Jagger told the Task Force that Article 6 deals exclusively with finance and taxation. The paragraph under discussion fits with how the budget is adopted. That is why the timing of financial reports is in that Article. Chairman Twist thanked her for pointing this out. Brent Stockwell added that Question D7 deals with miscellaneous changes to Article 6, Finance and Taxation. If the Task Force wished, and if they decided they did not need the language "after consultation with the Charter Officers" or "after consultation with the City Treasurer," the whole section could be swept into D7. This would eliminate that question altogether. There is other language in the Charter stating that all Charter Officers must work together. They could add the language about consultation with Charter Officers to Article 3, Section 2C.

David Smith said that requiring the City Manager to work with the City Treasurer in preparing the budget was perhaps an intentional lightning rod. Saying that the City Manager is to work with the other Charter Officers is more of an administrative detail. The question is whether they want to specify that the City Manager is to work collaboratively with the City Treasurer. Since the budget is by definition a financial document, he opined that spelling this out in the Charter does not add much.

Chairman Twist summarized that in Tier B they have B1 as amended, B2 going to Article 6 and to D, B3 becomes the second paragraph of B1, the Treasurer's duties, and B4 remains.

CHARLIE SMITH MOVED THAT THE FOLLOWING PROPOSED LANGUAGE BE ADDED TO ARTICLE 3, SECTION 2, ", IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 6." ALAN KAUFMAN SECONDED THE MOTION, WHICH PASSED BY A UNANIMOUS VOTE OF SEVEN (7) TO ZERO (0).

It was agreed to merge Question B5 (removing Council's authority to combine duties of Charter Officers) with B1. In addition it was agreed that B2 (requires City Manager to consult with City Treasurer on the preparation of the budget) be changed to require consultation with other Charter Officers and moved to D7.

CHARLIE SMITH MOVED THAT CITY COUNCIL BE ALLOWED TO WAIVE THE RESIDENCY REQUIREMENT FOR CHARTER OFFICERS. THE MOTION DIED FOR LACK OF A SECOND.

Charlie Smith noted there is a unique requirement for the City Manager that does not exist for other City Officers, in Article 3 Section 2. He quoted "As the Chief Executive of the administrative branch of the City government, the City Manager shall be responsible to the Council for the proper administration of all affairs of the City not otherwise assigned by this Charter to another Officer." Chairman Twist recalled that the clause "not otherwise assigned by this Charter to another Officer" was inserted to make it clear that when the Charter gives duties to independent City Officers; it is that Officer's responsibility to discharge the duties in accordance with Council's wishes. Charlie Smith argued that it should apply to all City Officers. Jim Derouin said he understood that the City Manager is responsible for everything that is not specifically a duty of the City Attorney, City Treasurer, City Auditor, City Clerk, and the Presiding

Judge. Charlie Smith referred to Article 4, Section 1, on page 9. There the Task Force removed from City Council the authority to combine duties. He feels this is a step to prevent the past practice of having other City Officers serve as City Treasurer. Jim Derouin recalled that he proposed that precisely for that reason. Susan Bitter Smith said she read the clause "not otherwise assigned by this Charter to another Officer" to cover any responsibilities that may have been left unassigned. Charlie Smith argued that by preventing the past practice of combining duties of Officers, the Charter would be tying the hands of City Council.

Charlie Smith requested that the remaining language in Article 4 be displayed. Ms. Jagger suggested that if the Task Force members feel Article 4 is too small, it could be added as a stand-alone section at the end of Article 3.

Jim Derouin asked Ms. Jagger and Ms. Scott if there is anything in what remains of Article 4 Section 1 that is not already incorporated into the new Article 3 Section 1. Brent Stockwell said the information is not redundant. Mr. Derouin said the language is so similar that it may cause confusion. Mr. Stockwell proposed that staff can combine this language in the new Article 3, make sure there are no inconsistencies, and bring it back to the Task Force. Ms. Scott said the provisions in the preamble of Article 3 primarily relate to the Charter Officers. What remains in Article 4 relates to the Council's authority to provide for the organization, conduct, and operation of the several offices and departments of the City. Mr. Derouin opined that this is an argument in favor of leaving Article 4 as a stand-alone article. Chairman Twist said for the time being they will leave Article 4 as is. However, he said it could certainly be combined into the ballot proposition with the Tier B changes. Ms. Jagger said if they move Article 4, it could be rolled into Question B1. If they leave it as is, they would not have to do anything. Mr. Stockwell displayed the proposed change that will be included in B1, noting that the strikethroughs are hidden. At Chairman Twist's request, he displayed Question B4 on page 9. Mr. Stockwell noted that this could also be moved into B1, which would eliminate one question. Chairman Twist said they are all part of the same question.

Ms. Jagger said she left B4 as a stand-alone question because it removes Council's authority to do something. She agreed with including all the administrative changes in B1. Chairman Twist argued that it is integrally related with the duties of the Officers. If this question were defeated, Council would retain the authority to combine offices, which is inconsistent with the other changes made to Officers' duties.

Saying that he believes the Mayor and Council's salaries are too low, Jim Derouin recalled that the Task Force had agreed to set the salaries by ordinance. However in the current economic climate it is not a good idea to put that on the ballot. He suggested that perhaps the Task Force should reconsider this recommendation. Chairman Twist agreed that this does not actually change the law. Charlie Smith said Council has always had the power to change its compensation. In his opinion, he added, none of Tier C needs to be on the ballot.

Chairman Twist recalled that they debated C2 at length. He requested staff input. C3 contains many proposals encouraged by the City Attorney and other staff. Brent Stockwell said that C2 is primarily cleanup that expands the interference beyond the City Manager to the Officers of the City, with the exception of C that provides some clarification on employees whose responsibilities directly serve the Mayor and the City Council. That was brought up at the request of the Mayor's Office and was the subject of a Council resolution early this fiscal year. However, he stated that the issues that are raised here are clarifications. Speaking from his own personal experience, Mr. Stockwell said that it was clear that his duties were to serve Mayor and Council. If something required additional time or there were conflicting requests

from several Councilmembers, the Councilmembers worked with the City Manager to resolve that issue. Chairman Twist said part of the Task Force mandate is to eliminate ambiguities and gray areas. It is up to Council to decide whether to act on their recommendations.

Susan Bitter Smith suggested that perhaps Tiers C and D should be reversed.

Chairman Twist said that C2 relates to the power of Council. This could be combined into one ballot question with C3. Jim Derouin said C3 contains more substance and would conform the City Charter to current practice. He urged the Task Force to give serious consideration to advancing C3. In reply to a question from Chairman Twist, Ms. Jagger said that C3 already contains much material, all related because it all applies to ordinances and resolutions. C2 is distinctly a power of Council.

Susan Bitter Smith proposed rolling C3 into B as a separate ballot question, and rolling C1 and C2 into D. This would result in three categories. Alan Kaufman agreed this is a good idea. It is really important to prioritize in case there is not sufficient space on the ballot. He acknowledged that the Task Force has a duty to report to Council, but they need to be realistic and recognize that much of this will not be on the ballot.

Charlie Smith said in C3 sections 2 through 13 have very minimal changes. Only Section 1 has substantive changes. He suggested just placing Section 1 on the ballot. Chairman Twist recommended waiting until everything is put together and then making a decision.

CINDI EBERHARDT MOVED THAT C1 (COUNCIL SALARIES) BE ELIMINATED. CHARLIE SMITH SECONDED. THE MOTION PASSED BY A UNANIMOUS VOTE OF SEVEN (7) TO ZERO (0).

It was agreed to have three tiers. C2 (administrative interference) will go to the lowest tier, and C3 (ability of Council to act by motion) will go to the middle tier.

Chairman Twist initiated a discussion on Tier D, which contains needed technical cleanups. Carolyn Jagger suggested making the third tier C a recommendation to Council of various administrative changes that would add clarity to the Charter. Council could place them on the ballot as space permits, or where appropriate some of them might be included with other recommendations. Chairman Twist thanked her for this suggestion.

Susan Bitter Smith asked whether the Mayor's duty to assign agenda items to committees means the Mayor would be setting the agendas of the committees. Chairman Twist said it means the Mayor would direct a committee to consider an item.

There was consensus that Tier C includes various administrative changes to add important clarity to the Charter to be placed on the ballot as space permits, and/or to be rolled into other changes where consistent with the concept being proposed.

Charlie Smith reminded the meeting that they had deliberately postponed discussion of changes to items in Tier A. Chairman Twist said they could have that discussion now or at the next meeting after staff has incorporated tonight's revisions.

Cindi Eberhardt asked whether from the legal point of view questions on the ballot have to be substantively a single concept per question. Ms. Scott said the single subject rule does not

apply to city ballot questions. However, as a practical matter staff recommend a single concept per question.

4. Discussion and possible action regarding the content and presentation of Task Force recommendations and final report to the City Council.

It was agreed that once the final recommendations are made by the Task Force, staff will prepare a report for the City Council, similar to the report prepared on the election recommendations; that the draft report will be circulated among the Task Force for review, and if needed the report could be agendaized for discussion on May 3, 2010.

5. Review, discuss, and possibly amend draft agenda for April 19, 2010 meeting.

It was agreed that the staff would bring back two documents, a document that shows what the whole charter would look like with proposed additions/deletions, and a revised document that shows tiers A, B, and C as discussed at tonight's meeting. Chairman Twist directed Task Force members to submit any ideas or proposals early if possible.

It was also agreed to cancel the scheduled meeting on April 19; that members would check their calendars regarding a meeting on April 20; and place a hold on a meeting of May 3, if needed.

Adjournment

With no further business to discuss, the meeting adjourned at approximately 8:12 p.m.

Respectfully submitted,
A/V Tronics, Inc. DBA AVTranz.

Reviewed by
Brent Stockwell, Senior Advisor

Officially approved by the Charter Review Task Force on April 20, 2010.